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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

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|---------------------------|---|--|
| UNITED STATES OF AMERICA, |) | No. CR-06-00424 JW |
| |) | |
| Plaintiff, |) | |
| |) | STIPULATION SETTING STATUS DATE |
| |) | AND EXCLUDING TIME AND |
| v. |) | [PROPOSED] ORDER |
| |) | |
| |) | |
| LAN LEE, |) | |
| a/k/a Lan Li, and |) | |
| YUEFEI GE, |) | |
| Defendants. |) | |

IT IS HEREBY STIPULATED AND AGREED, by and between Joseph P. Russoniello, United States Attorney, and Matthew A. Parrella and Joseph A. Fazioli, Assistant United States Attorneys, counsel for the United States of America, and Thomas J. Nolan, Esq. and Edward W. Swanson, Esq., counsel for defendants, that a status date be set for the above-captioned matter on February 1, 2010, at 1:30 p.m., or a date and time thereafter at the convenience of the Court.

This Stipulation is entered into for the following reasons:

1. A jury trial in this matter was conducted before the Court beginning with jury selection on October 20, 2009, and continuing to verdict on November 20, 2009. The jury was

1 unable to reach unanimous verdicts on counts 1, 2, and 4 of the superseding indictment and the
2 Court declared a mistrial as to those counts.

3 2. A motion under Fed. R. Crim. P. 29 is presently pending before the Court. This
4 matter has previously been deemed by the Court as complex under Title 18 United States Code,
5 Section 3161(h)(7)(B)(ii).

6 3. Counsel for the defendants have spoken with the defendants and the defendants
7 have no objections to the continuance sought herein.

8 4. The defendants are not in custody.

9 5. This continuance is sought to save the court's time and resources, to allow time
10 for the Defendants and the Government to evaluate and analyze information which will have a
11 bearing on the future course of the superseding indictment, and for effective preparation of
12 counsel.

13 6. Additionally, denial of this request could result in a miscarriage of justice, taking
14 into account the exercise of due diligence.

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28 STIPULATION SETTING STATUS DATE,
EXCLUDING TIME, AND [PROPOSED] ORDER

7. The additional time requested by this stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Sections 3161(h)(1)(H), and 3161(h)(7), considering the factors under Title 18 United States Code, Sections 3161(h)(7)(B)(i) and 3161(h)(7)(B)(ii).

DATED this __9th__ day of December, 2009.

JOSEPH P. RUSSONIELLO
United States Attorney

/s/
MATTHEW A. PARRELLA
Assistant United States Attorney

12/9/09
DATE

/s/
THOMAS J. NOLAN
Attorney for Defendant LEE

12/9/09
DATE

/s/
EDWARD W. SWANSON
Attorney for Defendant GE

12/9/09
DATE

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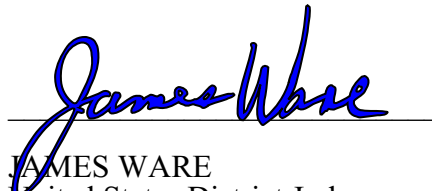
STIPULATION SETTING STATUS DATE,
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1 Based upon the foregoing representations made by the parties by stipulated motion, and
2 good cause appearing therefor,

3 **IT IS HEREBY ORDERED** that the time from November 20, 2009 until February 1,
4 2010 shall be excluded from the computation the period within which the trial must commence,
5 for the reasons and based upon the statutory provisions set forth above, and for those reasons
6 proffered by the parties. The Court finds that the ends of justice outweigh the interests of the
7 public and the parties in a speedier trial based upon the grounds set forth above.

8 **IT IS FURTHER ORDERED** that the matter shall be set on the Court's calendar on
9 February 1, 2010, at 1:30 p.m., or a date and time thereafter at the convenience of the Court.

10 DATED: December 29, 2009

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13 JAMES WARE
14 United States District Judge
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EXCLUDING TIME, AND [PROPOSED] ORDER